UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,575	06/25/2003	Gaurav Mittal	004770.00490	3333

22907   7590   08/06/2007

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ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
08/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/603,575	MITTAL, GAURAV
	Examiner	Art Unit	
	Pao Sinkantarakorn	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 May 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1,16, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Rune et al. (US 2003/0069988)

Rune et al. disclosed, regarding claim 1, an apparatus comprising:

a formatter (see paragraph 53, lines 8 – 10, wherein the processor corresponds

to a formatter) adapted to receive indications representative of the data to be

communicated pursuant to the packet communication service (see paragraph 53, lines

10 – 14), the formatter for formatting the indications into the individual packets, each of

at least selected ones of the individual packets formatted to include a Control field that

is populated with values that identify session control information, used in control of

effectuation of the packet communication service (see paragraph 40, lines 10 – 18,

paragraph 41, lines 11 – 18);

regarding claim 16, a method comprising:

obtaining indications representative of the data to be communicated pursuant to

the packet communication service (see paragraph 53, lines 10 – 14); and formatting the

indications into the individual packets, each of at least selected ones of the individual

packets formatted to include a control field that is populated with values that identify

session control information used in control of the packet communication service (see

paragraph 40, lines 10 – 18, paragraph 41, lines 11 – 18);

regarding claim 20, the method further comprising:

sending the individual packets to a data receiving device (see paragraph 53,

lines 10 – 12); detecting, at the data receiving device, the individual packets (see

paragraph 40, line 13); and extracting the control information therefrom (see paragraph

40, lines 13 – 15).

Claim Rejections - 35 USC § 103

3.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 2 – 6, 10 – 12, 14, 17, 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rune et al. in view of the admitted prior art.

For claims 2 - 6, 10 – 12, 14, 17, 18, Rune et al. disclosed all the subject

matter of the claimed invention and each of the selected ones the packets comprise a

header part and a header extension part (see paragraph 40, lines 5 – 6) and wherein

the control field is embodied at the header extension part (see paragraph 40, lines 15 –

18) as recited in claim 3;

each of the header parts of the packets includes an indication field to indicate

presence of the header extension part and wherein the formatter further populates the

indication field to indicate the presence of the header extension part (see paragraph 40,

lines 11 – 15, wherein the L-CH field corresponds to an indication field) as recited in

claim 4;

the header extension part comprises a first portion and at least a second portion

(see paragraph 44, lines 1 – 4, wherein the EXT-L_CH field corresponds to a first

portion, length of signaling data field and reserved field correspond to a second portion),

the first portion comprising the control field and wherein the formatter populates the first

portion of the header extension part with values of the control information (see

paragraph 41, lines 12 – 18) as recited in claim 5;

wherein the control field is selectably populated with first values, the first values

indicating remaining portions of the header extension part to be non-packet-

communication-service, control-information related (see paragraph 41, lines 13 – 14) as

recited in claim 6;

wherein the control field embodied at the header extension part includes a

first section of a two bit length (see paragraph 41, lines 12 –13, wherein the EXT-L_CH

field corresponds to a first section) as recited in claim 10;

wherein the control field embodied at the header extension part further

includes a second section of a two bit length (see paragraph 44, lines 3 – 4, wherein

reserved field correspond to a second section) as recited in claim 11;

wherein the first section comprises an INFO field and wherein the section

comprises a defined-by-profile field as recited in claim 12 (see paragraph 44, lines 2 –

3, wherein length of signaling data field corresponds to a defined-by-profile field) as

recited in claim 12;

wherein the control field embodied at the header extension part further

includes a third section (see paragraph 44, line 2 – 3, wherein length of signaling data

field corresponds to a third section), the third section populated with values when

the first section is of selected values (see paragraph 41, lines 13 – 18, paragraph 42,

lines 1 – 3) as recited in claim 14;

wherein each of the selected ones of the packets comprise a header part and a

header extension part (see paragraph 40, lines 5 – 6) and wherein the control

information formatted during the operation of formatting is formatted into the header

extension part (see paragraph 40, lines 15 – 18) as recited in claim 18.

Rune et al. fail to teach

the individual packets into which the control

information is embedded comprise RTP-formatted packets, and packets being RTP-

formatted packets as recited in claim 2;

packets being RTP-formatted packets as recited in claims 3, 4, 17, 18;

The admitted prior from the same or similar field of endeavors teach the

individual packets into which the control information is embedded comprise RTP-

formatted packets (see paragraph 12, lines 1 – 5), and packets being RTP-formatted

packets as recited in claim 2 (see paragraph 12, lines 1 – 5);

packets being RTP-formatted packets as recited in claims 3, 4, 17, 18 (see

paragraph 12, lines 1 – 5);

Thus, it would have been obvious to a person of ordinary skill in the art at the

time of the invention to use RTP-formatted packets in the apparatus and method taught

by Rune et al. in order to maintain correct sequencing of data transmitted (see

paragraph 12 lines 4 – 5);

Rune et al. fail to teach a section of a three-bit length as recited in claim 10;

a section of a seventeen-bit length as recited in claim 11;

However, it would have been obvious to a person of ordinary skill in the art at the

time of invention to define a section of having any length in order to provide flexible

system design (see Rune et al. paragraph 42, lines 15 – 17).

6.   Claims 7, 8, 13.19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rune et al. in view of the admitted prior art as applied to claim 3, 16 above, and

further in view of Gai et al. (US 2004/0109443).

Rune et al. and the admitted prior art teach all the subject matter of the claimed

Invention as recited in paragraph 5, and 8 of this office action and the packet

communication service comprises a real time communication service (see admitted

prior art paragraph 12, lines 1 – 5) as recited in claim 19.

Rune et al. and the admitted prior art fail to teach the control field is selectably

populated with second values, the second values indicative of delay of communication

of subsequent data packets communicated pursuant to the packet communication

service as recited in claim 7;

the control field is selectably populated with third values, the third values

indicative of termination of communication of subsequent data packets pursuant to the

packet communication service as recited in claim 8;

wherein the first section and the second section are separated by at least a first

bit forming a padding field as recited in claim 13.

the control field into which each of the at least the selected ones of the individual

packets is formatted to include comprises pause information associated with

subsequently transmitted ones of the individual packets as recited in claim 19;

Gai et al. from the same or similar field of endeavors teach the control field is selectably populated with second values, the second values indicative of delay of communication of subsequent data packets communicated pursuant to the packet communication service (see paragraph 42, lines 5 – 7, wherein SS=00, SS=10 correspond to second values indicative of delay of communication of subsequent data packets) as recited in claim 7;

the control field is selectably populated with third values, the third values indicative of termination of communication of subsequent data packets pursuant to the packet communication service (see paragraph 43, TABLE I, Column "Comman/Response" DISC Command, Column "Description" Disconnect, Column "MMMMM" 00010, wherein the value 00010 corresponds to the third values indicative of termination of communication of subsequent data packets) as recited in claim 8;

wherein the first section and the second section are separated by at least a first bit forming a padding field (see paragraph 42, lines 5 – 7, wherein the next two bits SS correspond to the first section and the next four bits correspond to a padding field, the Poll/Final bit corresponds to the second section) as recited in claim 13.

the control field into which each of the at least the selected ones of the individual packets is formatted to include comprises pause information associated with subsequently transmitted ones of the individual packets (see paragraph 42, lines 5 – 7, wherein SS=00, SS=10 correspond to pause information associated with subsequently transmitted ones of the individual packets) as recited in claim 19.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use teach the control field is selectably populated with second values, the second values indicative of delay of communication of subsequent data packets communicated pursuant to the packet communication service as recited in claim 7;

the control field is selectably populated with third values, the third values indicative of termination of communication of subsequent data packets pursuant to the packet communication service as recited in claim 8;

the control field into which each of the at least the selected ones of the individual packets is formatted to include comprises pause information associated with subsequently transmitted ones of the individual packets as recited in claim 19 in the apparatus and method taught by Rune et al. and the admitted prior art in order to increase the efficiency of the control field by providing multiple commands within the same control field.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the first section and the second section are separated by at least a first bit forming a padding field as recited in claim 13 in the apparatus taught by Rune et al. and the admitted prior art in order to allow easy processing by ending the header in 16 or 32 bit boundary.

7.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rune et

al. in view of the admitted prior art as applied to claim 3 above, and further in view of

Nassar (US 2004/0004968).

Rune et al. and the admitted prior art teach all the subject matter of the claimed

Invention as recited in paragraph 8 of this office action.

Rune et al. and the admitted prior art fail to teach the control field is selectably

populated with fourth values, the fourth values indicating the data of the data packet

associated therewith to be application-dependent as recited in claim 9.

Nssar from the same or similar field of endeavors·teach the control field is

selectably populated with fourth values, the fourth values indicating the data of the data

packet associated therewith to be application-dependent (see paragraph 41, lines 12 –

14, paragraph 46, lines 11 – 18) as recited in claim 9.

Thus, it would have been obvious to a person of ordinary skill in the art at the

time of the invention to use teach the control field is selectably populated with fourth

values, the fourth values indicating the data of the data packet associated therewith to

be application-dependent as recited in claim 9 in order to apply correct NAT rule (see

Nssar, paragraph 46, lines 15 – 18).

Response to Arguments

1.   Applicant's arguments filed 5/21/2007 have been fully considered but they are

not persuasive.

In response to page 7 of the remarks, the applicant states that Rune et al. fail to

disclose "a formatter adapted to receive indications representative of the data to be

communicated pursuant to the packet communication service," and also fail to disclose

control information "used in control of effectuation of the packet communication service."

In reply, the examiner respectfully disagrees with the applicant because Rune et al.

disclose a transceiver in conjunction with antenna are used for transmitting and

receiving packets (see paragraph 53). The indications representative of the data is

broadly interpreted as packets. The packet communication service is broadly interpreted

as packet network. Rune et al. disclose transmitting and receiving data packets, which

meets the claimed limitation. Rune et al. also disclose the EXT-L CH field, which is a

two-bit field, wherein the value '00' indicates only signaling data, '01' indicates

continuation fragment of an L2CAP packet, '10' indicates the start of an L2CAP packet

or no fragmentation, and '11' is reserved for future use (see paragraph 41), which meets

the claimed limitation, the control information used in control of effectuation of the

packet communication. The value '00' in the EXT-L CH field is used to indicate that the

packet contains signaling data, which controls the effectuation of the packet

communication service.

Conclusion

2.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

3.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Pao Sinkantarakorn whose telephone number is 571-

270-1424. The examiner can normally be reached on Monday-Thursday 9:00am-

3:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER